

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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| IN RE: YASMIN AND YAZ (DROSPIRENONONE) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION |) | 3:09-md-02100-DRH-PMF |
| |) | MDL No. 2100 |
| |) | |

This Document Relates to:

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|--|---------------------------|
| <i>Brittany Senko, et al. v. Bayer Corporation, et al.</i> ¹ | No. 3:12-cv-11404-DRH-PMF |
| <i>Ellen Sheehan, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ² | No. 3:13-cv-10404-DRH-PMF |
| <i>Lisa Sims, et al. v. Bayer Corporation, et al.</i> ³ | No. 3:13-cv-10368-DRH-PMF |
| <i>Amanda Tinajero, et al. v. Bayer Corporation, et al.</i> ⁴ | No. 3:13-cv-10498-DRH-PMF |
| <i>Barbara Willimann-Colley, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁵ | No. 3:11-cv-12543-DRH-PMF |
| <i>Jennifer Wilson, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁶ | No. 3:13-cv-10382-DRH-PMF |
| <i>Melita Winnick, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁷ | No. 3:11-cv-12100-DRH-PMF |
| <i>Catrina Yanna, et al v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ⁸ | No. 3:11-cv-12972-DRH-PMF |

¹ This Order applies to only plaintiffs Renee Boller, Brittany Senko, and Lillian Smith.

² This Order applies to only plaintiffs Rena Cox and Ashley Yoell.

³ This Order applies to only plaintiffs Katrina Drake, Alaina Maddox, and Lisa Sims.

⁴ This Order applies to all plaintiffs in the *Tinajero* case: Amanda Tinajero and Tomara Wright.

⁵ This Order applies to only plaintiff Esmeralda Hernandez-Juni.

⁶ This Order applies to only plaintiff Jennifer Al-Forejy.

⁷ This Order applies to only plaintiffs Melita Winnick and Holly Wuebbling.

⁸ This Order applies to only plaintiff Catrina Yanna.

ORDER REGARDING MOTION TO DISMISS WITH PREJUDICE

HERNDON, Chief Judge:

On June 19, 2014, Bayer filed a motion seeking with prejudice dismissal, of the above captioned plaintiffs' claims. The motion seeks dismissal, pursuant to Case Management Order 60 ("CMO 60"), for failure to submit *any* Claim Package Materials.⁹

Pursuant to the Court's local rules, the plaintiffs had 30 days to file a responsive pleading. None of the above captioned plaintiffs filed a responsive pleading. At the expiration of the responsive pleading deadline, as is required under CMO 60, the motion was considered by Special Master Stephen Saltzburg.¹⁰ On July 25, 2014, Special Master's Saltzburg's report and recommendation relating to the above captioned cases was docketed. Special Master Saltzburg found that the subject plaintiffs failed to comply with the requirements of CMO 60 and recommended that the subject plaintiffs' claims be dismissed with prejudice in accord with the requirements of CMO 60.

In each case, the parties were given 14 days to respond or object to Special Master Saltzburg's report and recommendation. The 14 day deadline for

⁹ Pursuant to the "Settlement Agreement," Exhibit A to CMO 60, plaintiffs enrolled in the Gallbladder Resolution Program are required to submit to the Claims Administrator all the Claim Package Materials identified in Section 3.03(a) of the Settlement Agreement. Section 3.01 of the Settlement Agreement fixed November 18, 2013 as the deadline for submission of a complete Claims Package. The subject motion asserts that the plaintiffs have failed to comply with this requirement.

¹⁰ Section VIII of CMO 60 "appoints Professor Stephen Saltzburg as Special Master to hear motions to dismiss claims that fail to comply with the terms of the Agreement, and to recommend to this Court rulings on such motions, as specified in the Agreement" (Doc. 2739 p. 8).

responding or objecting to the Special Master's report has expired. None of the above captioned plaintiffs has responded or objected.

Upon consideration of Bayer's motion to dismiss, the Special Master's report, and the requirements of CMO 60, the Court finds that the above captioned plaintiffs have failed to comply with CMO 60. Accordingly, the Court adopts Special Master Saltzburg's report and recommendation. The above captioned plaintiffs' claims are **DISMISSED WITH PREJUDICE** for failure to comply with the requirements of CMO 60.

SO ORDERED:

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2014.08.13
11:23:49 -05'00'

Chief Judge
United States District Court

Date: August 13, 2014